THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.M.P.No.17400 of 2006
and
WRIT PETITION No.27842 of 1996

Dated 17-11-2006

Between:

V. Govindaiah and another.

...PETITIONERS

And

The Joint Collector, Chittoor, and others.

...RESPONDENTS

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THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.M.P.No.17400 of 2006
and
WRIT PETITION No.27842 of 1996

ORDER:

W.P.No.27842 of 1996 has been instituted by one V. Govindaiah. He called in question the validity of the orders passed by the Joint Collector, Chittoor, in his proceedings dated 20-11-1996 confirming the orders passed by the Mandal Revenue Officer in favour of Sri T. Sadasivaiah. Said Sadasivaiah has been impleaded as third respondent herein. Immediately after the institution of the writ petition, the said Sadasivaiah seems to have expired on
29-12-1996. Unfortunately, no steps have been taken by the writ petitioner to bring on record the legal representatives of the deceased third respondent. Consequently the third respondent has been struck off from the array of parties on 14-02-2003.

While so, now the second petitioner, who came on

record as the legal representative of the first petitioner Govindaiah, who has instituted the writ petition, proposes to bring on record the legal representative of the deceased third respondent and for that purpose moved W.P.M.P.No.17400 of 2006. It has been stated that the third respondent had died on 29-12-1996. After nearly ten long years thereafter the present application has been moved. I see no justification for permitting the legal representative of the deceased third respondent to be brought on record of this case now. There was practically no explanation offered as to why it took nearly nine and half years to file the present application. Therefore, I dismiss W.P.M.P.No.17400 of 2006.

In view of the dismissal of W.P.M.P.No.17400 of 2006, the above writ petition cannot be decided at all on its merits. For, the order which is in favour of dead person, namely, the original third respondent cannot be adjudicated upon without providing any opportunity for those who are interested in the estate of the deceased original third respondent. Therefore, the writ petition also stands dismissed, however, without costs.

NOOTY RAMAMOHANA RAO, J

Dated 17-11-2006
ghn